IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Crl.MC.No. 4095 of 2006()

CC.593/2003 of JUDL.MAGISTRATE OF FIRST CLASS, SASTHAMCOTTA

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PETITIONER/ACCUSED:

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1. BALACHANDRAN, S/O.NANU,
   MANNIRATHIL HOUSE, KOTTAPURAM MURI,
   WEST KALLADA VILLAGE.

2. GOPAKUMAR, S/O.SADANANDAN, VAYALIL
   PUTHENVEETTIL, AITHOTTUVA MURI, WEST KALLADA
   VILLAGE.

BY ADV. SMT.P.V.KOCHUTHRESSIA

RESPONDENTS/COMPLAINANT & STATE:

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1. SUB INSPECTOR OF POLICE,
   SASTAMCOTTA.

2. STATE OF KERALA , REP. BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 4095 of 2006

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Dated this the 23rd day of February, 2007

O R D E R

The petitioner is the accused in C.C.No. 593 of 2003 pending before the J.F.C.M., Sasthamcotta. Cognizance has been taken of the offence punishable under Section 4 r/w. 21(1) of the Mining and Minerals Act. The petitioner has come to this Court with the short contention that the S.I. of Police, who conducted the investigation and filed the final report, does not have the requisite legal competence under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957.

2. Report of the learned Magistrate was called for. The learned Public Prosecutor was directed to advance arguments. The learned Public Prosecutor has brought to the notice of the Court the Notification in S.R.O. No. 872/91 dt. 23.6.1991 under Section 22 of the Mines and Minerals (Development and Regulation) Act, 1957 and the said notification very clearly shows that the police officers of and above the rank of S.I. of Police are duly authorised under Section 22 of the said Act to act within their respective area of jurisdiction.

No other contentions are raised. In view of the very clear stipulations in the Notification, this Crl.M.C. cannot succeed.

3. This Crl.M.C. is accordingly dismissed.

(R. BASANT)
Judge

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